HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition no. 210 of 2006 (SS)

Ravindra Nautiyal s/o Sri Chait Ram
Village Ladari, Joshiyara, District
Uttarkashi ..... Petitioner

Versus

1. State of Uttaranchal
2. Secretary, Home, Uttaranchal
3. District Magistrate, Uttarkashi .....Respondents

Sri H.M. Raturi, Advocate for the petitioner
Standing counsel for the respondents.

Dated: 25.2.2006

Hon'ble Rajesh Tandon J.

Heard Sri H.M. Raturi counsel for the petitioner and Standing Counsel for the respondents. Both parties have agreed that the writ petition be finally disposed of at his stage.

By the present writ petition, the petitioner has prayed for a writ of mandamus directing the respondents to provide appointment to the petitioner on the post of Executive Officer, Nagar Paslika Parishad, Uttarkashi or to make the placement of the petitioner on the said post in any other Palika Parishad with the State of Uttarkashi.

Briefly stated the State of Uttaranchal on 11.8.2004 issued a Government Order providing appointments to the persons who remained in jail or sustained injury during Uttarakhand movement. Pursuant to the said G.O. the name of the petitioner

was recommended for appointment by the District Magistrate, Uttarkashi vide its letter dated 12.8.2005 addressed to the Joint Director, Fisheries, Uttaranchal, Dehradun for the post of Fisheries Development Officer on the bais of eligibility of the petitioner. The Director of Fisheries expressed his inability for appointment of the petitioner on the post of Fisheries Development Officer as the said post was abolished.

The petitioner has submitted that he moved a representation before the State of Uttaranchal on 15.12.2005 and personally perused the matter before the State Government for providing to the petitioner on the post of Executive Officer, Nagar Palika Parishad, Uttarkashi on which directions were issued by the State to the District Magistrate Uttarkashi. The District Magistrate, Uttarkashi in compliance of the instructions of the Government sent a letter on 3.2.2005 addressed to the Additional Secretary, Home, Uttaranchal Government and mentioned that according to the U.P. Nagar Palika Service Rules 1966, the post of Executive Officer comes within the preview of Public Service Commission and as such appointment on that post cannot be made under G.O. No. 1269/20-(3)/06/dated 11.8.2004.

The counsel for the petitioner has submitted that the report submitted by the District Magistrate, Uttarkashi is misconceived in view of the officer Memorandum No. 1548/ Personnel-2/2002 dated 23 January 2003 issued by the Personnel Department, State of Uttaranchal. According to which the posts fall below the pay scale 5500-9000 are no more lies within the preview of Public Service Commission.

In view of above, liberty is given to the petitioner to file a fresh representation before the appropriate authority of the

respondents within one weeks after the receipt of the certified copy of this order, who shall decide the same within two weeks thereafter.

Subject to the aforesaid observations, the writ petition is disposed of. No order as to costs.

Dated: 25.2.2006 **Rajesh Tandon J.**

*****Dhyani